

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

CARRIE SEWARD,

Plaintiff,

v.

**Civil Action No. 5:08cv100
(Judge Stamp)**

**ELIZABETH ALLEN, FOOD
SERVICE, MEDICAL DEPT.,
LYNCHBURG REGIONAL JAIL,**

Defendants.

OPINION/REPORT AND RECOMMENDATION

On May 21, 2008, the *pro se* plaintiff filed a civil rights complaint against the above-named defendants. In the complaint, the plaintiff complains of the conditions of her confinement at the Lynchburg Regional Jail in Lynchburg, Virginia.

Because the events giving rise to this cause of action occurred in the Western District of Virginia, venue is not appropriate in this Court. 28 U.S.C. § 1391(b). Accordingly, it is hereby recommended that pursuant to 28 U.S.C. §§ 1404(a) and 1406(a), this matter be **TRANSFERRED** to the United States District Court for the Western District of Virginia for all further proceedings. Any motions pending at the time of transfer should be carried with the case for consideration by the transferee Court.

Within ten (10) days after being served with a copy of this recommendation, any party may file with the Clerk of Court written objections identifying those portions of the recommendation to which objection is made and the basis for such objections. A copy of any objections should also be submitted to the Honorable Frederick P. Stamp, Jr., United States District Judge. Failure to timely file objections to this recommendation will result in waiver of the right to appeal from a judgment of this Court based upon such recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn,

474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).

DATED: May 28, 2008.

John S. Kaull

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE